

REMARKS

This Response is in response to the Final Office Action mailed August 26, 2002. In the Final Office Action, the Examiner rejected claims 2-6, 9-13, and 17-57 under 35 U.S.C. § 103. No claims have been amended in this response. Claims 2-6, 9-13, and 17-57 remain pending in the application. Reconsideration in light of the remarks made herein is respectfully requested.

Rejection Under 35 U.S.C. § 103

4. The Examiner rejected claims 2-6, 9-13, and 17-57 under 35 U.S.C. § 103(a) as being unpatentable over Dedrick (U.S. Pat. No. 5,710,884) in view the knowledge of one of ordinary skill in the art.

While Applicant disagrees with the Examiner's assertion that Dedrick, in view of the knowledge of one or ordinary skill in the art, teach or suggest the claimed invention, it is unnecessary to reach this argument since Dedrick is herein disqualified as prior art based on 35 U.S.C. § 103(c).

Dedrick was filed on March 29, 1995 and not published until it issued on January 20, 1998. The present application was filed on June 25, 1997, prior to Dedrick being published. Hence, Dedrick is 35 U.S.C. § 102(e) type prior art.

Under 35 U.S.C. § 103(c), "[s]ubject matter developed by another person, which qualifies as prior art only under one or more of subsections of (e), (f), and (g) of section 102 ... , shall not preclude patentability under this

section where the subject matter and the claimed invention where, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

Applicant submits that Dedrick is assigned to Intel Corp. and that the present application has also been assigned to Intel Corp.

Thus, applicant submits that Dedrick does not qualify as prior art against the present application.

Applicants respectfully requests that the Examiner withdraw the rejection of claims 2-6, 9-13, and 17-57 under 35 U.S.C. § 103(a) as being unpatentable over Dedrick (U.S. Pat. No. 5,710,884) in view of the knowledge of one of ordinary skill in the art.

Conclusion

In view of the remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited.

Respectfully submitted,

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